

EXHIBIT 6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GARY FRIEDRICH ENTERPRISES)
LLC et al,)
)
Plaintiffs,)
)
-against-) No. 08-CV-01533 (BSJ) (JCF)
)
MARVEL ENTERPRISES, INC.,)
et al.,)
)
Defendants.)
-----x

REVISED

VIDEOTAPED DEPOSITION OF STAN LEE
Beverly Hills, California
Wednesday, May 4, 2011

Reported by:

SUSAN A. SULLIVAN, CSR #3522, RPR, CRR

JOB NO. 38463

1 May 4, 2011

2 9:09 a.m.

3
4 VIDEOTAPED DEPOSITION OF STAN LEE, taken by
5 Defendants, at the offices of Rosenfeld Meyer
6 ,9601 Wilshire Boulevard, Beverly Hills,
7 California, before Susan A. Sullivan, CSR,
8 RPR, CRR, State of California.

A P P E A R A N C E S:

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BY: DAVID FLEISCHER, ESQ.

-and-

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Attorneys for the Witness

9601 Wilshire Boulevard

Beverly Hills, California 90210

BY: TODD W. BONDER, ESQ.

VIDEOGRAPHER: BRENT JORDAN

1 Q And do you have any present intention to
2 move from that location in the near future?

3 A No.

4 Q At some point were you employed with a
5 company that published comic books under the Marvel
6 trade name?

7 A Yes.

8 Q When did you first become associated with a
9 company that published Marvel Comics?

10 A Oh, golly. It was 1940; '39, '40,
11 something like that.

12 Q Do you recall the name of that company?

13 A At the time it was called Timely Comics, at
14 least the comics section was. They also published
15 other books. I don't know what name they used.

16 Q And at some point did Timely Comics sell or
17 transfer the Marvel comic book business to another
18 company?

19 A Well, they were bought by a company called
20 Perfect Film and Chemical which later became Cadence
21 Industries and that was later sold to New World and
22 then it ended up with where it is now.

23 Q Was Timely Comics a division of a company
24 known as Magazine Management Company?

25 A It was, yes.

1 Q So to the best of your recollection when
2 you first began work for a company that published
3 Marvel Comics the company name was Magazine
4 Management Company?

5 A When I started working?

6 Q Right.

7 A I don't remember. I just knew it as Timely
8 Comics.

9 Q In the late 1960s into the early 1970s was
10 the company that was publishing Marvel Comics known
11 as Magazine Management Company?

12 A I really am not good at dates. They change
13 their name so often, I'm not sure when it was.

14 Q When Perfect Film acquired the Marvel
15 Comics business did that acquisition affect the day-
16 to-day operations in any way?

17 A Not really. Not that I know of.

18 Q What was the position that you held with
19 the company at the time that Perfect Film acquired
20 the Marvel Comics business?

21 MR. FLEISCHER: Objection; form.

22 THE WITNESS: Pardon me?

23 MR. FLEISCHER: I'm just making an objection
24 for the record, Stan.

25 THE WITNESS: I was head writer, editor and art

1 director.

2 Q BY MR. KRAMER: Just to clean up the record
3 a second, let me back up a little bit.

4 At the time that Perfect Film acquired the
5 Marvel Comics business you were employed in
6 connection with that business, correct?

7 A Yes.

8 Q And at that time you have indicated your
9 position was head writer, editor?

10 A And art director.

11 Q And art director.

12 During the time period immediately before
13 the sale of the company to Perfect Film, do you
14 recall which company or companies issued the checks
15 that you received in conjunction with your
16 employment?

17 A Oh, no.

18 Q After the acquisition by Perfect Film do
19 you know which company issued the checks?

20 A No.

21 Q Do you recall whether you ever received any
22 checks that came from the company Perfect Film and
23 Chemical?

24 A No.

25 Q Do you recall whether you ever received

1 checks that came from a company known as Cadence?

2 A No.

3 Q And by no, you don't remember?

4 A I don't. I never looked at the checks, who
5 they came from.

6 Q Are you aware that after the time that
7 Cadence or Perfect Film acquired the Marvel Comics
8 business they established a division known as the
9 Marvel Comics Group?

10 MR. FLEISCHER: Objection.

11 THE WITNESS: Yeah. I mean, I don't know when
12 it happened, but I know there was a Marvel Comics
13 Group.

14 Q BY MR. KRAMER: After the establishment of
15 the Marvel Comics Group do you know what types of
16 business activities were done by the Marvel Comics
17 Group and which activities were still done by
18 Magazine Management Company?

19 MR. FLEISCHER: Objection.

20 THE WITNESS: Can I answer?

21 MR. FLEISCHER: Yes.

22 THE WITNESS: As far as I know, Marvel Comics
23 Group did the comic books and Magazine Management
24 was the overall company that did all the other
25 magazines. They had all different kinds of

1 magazines.

2 Q BY MR. KRAMER: In the period between 1969
3 and 1972-73, were you involved in any way in
4 determining whether or not any trademarks would be
5 registered in conjunction with Marvel Comics?

6 A No.

7 Q During that same time period were you
8 involved in any way in determining whether or not a
9 copyright would be registered with respect to a
10 comic book when it was published?

11 A No.

12 Q Do you know who made those decisions?

13 A Pardon me?

14 Q Do you know who made those decisions?

15 A I assume someone in the business office but
16 no, I don't.

17 Q In the late 1960s, early 1970s could you
18 generally describe what your day-to-day activities
19 were as head writer, editor and art director?

20 A Well, I wrote a lot of the books. I also
21 worked with the artists, I gave out assignments, I
22 gave out writing assignments, I gave out art
23 assignments, I checked all the artwork to make sure
24 it was the way I wanted it to be. I didn't have
25 time really to read scripts that other people had

1 Q And do you recall when approximately you
2 became publisher?

3 A No, I don't. It was somewhere in the early
4 seventies or middle seventies.

5 Q Was that shortly after the period when you
6 were doing a lot of lecturing?

7 A After the what?

8 Q The period after you were doing the
9 traveling and lecturing.

10 MR. FLEISCHER: Objection.

11 THE WITNESS: They happened almost the same --
12 when I became publisher I did more and more
13 traveling and lecturing.

14 Q BY MR. KRAMER: Are you familiar with a man
15 named Gary Friedrich?

16 A Yes.

17 Q When did you first meet Gary Friedrich?

18 A I don't know.

19 Q What were the circumstances in which you
20 came to meet him?

21 A Well, he did some writing for us so I had
22 met him but, I mean, there was nothing special about
23 my meetings with him that I would remember. We had
24 so many freelance writers.

25 Q So Mr. Friedrich was a freelance writer who

1 or artist be paid?

2 MR. KRAMER: Object to form, foundation.

3 THE WITNESS: Well, according to the artist and
4 writer, not enough. They were -- I don't know what
5 you mean. They were usually paid per page, they had
6 a page rate. A writer would get so much a page for
7 a story and a penciller would get so much, an inker
8 would, a letterer would, and so forth.

9 Q BY MR. FLEISCHER: And at what point in
10 time in the process that you've described would the
11 writer and/or the artist receive payment for the
12 pages comprising this story?

13 MR. KRAMER: Object to form and foundation.

14 THE WITNESS: I missed the verb. At what point
15 did they what?

16 Q BY MR. FLEISCHER: At what point in the
17 process would the artist or writer be paid for the
18 work embodied in the comic book?

19 MR. KRAMER: Object to form and foundation.

20 THE WITNESS: I assume when they handed in the
21 work or very -- we had things called vouchers. They
22 would fill out a voucher saying what they did and
23 what the price per page was and what the total was
24 and they would hand in the voucher and then
25 whenever, a week later, two weeks, whatever the

1 company's rule was, they would get the check.

2 Q BY MR. FLEISCHER: Okay. Would they get
3 the check before the comic book actually went on
4 sale?

5 MR. KRAMER: Objection; foundation.

6 THE WITNESS: I would think so but I'm not sure
7 because it depended how quickly the comic went on
8 sale and what the company's policy was. I never
9 really paid any attention to that type of thing.

10 Q BY MR. KRAMER: Okay. Was the artist or
11 writer receiving a page rate for the work on a comic
12 book paid anything in the 1992 period and before
13 based on the success or failure at the newsstand of
14 the comic book?

15 MR. KRAMER: Object to form and foundation.

16 THE WITNESS: Not. Not that I know of, no.

17 Q BY MR. KRAMER: I think I may have said
18 '92. I mean 1972 and earlier.

19 A Say the whole thing again because I forgot
20 it.

21 Q Okay.

22 In the period from the time you started
23 with Marvel through 1972 --

24 A Until 1972, you mean.

25 Q Yeah.

1 -- would the artist or writer receiving a
2 page rate receive any compensation in addition to
3 that dependent on the success of the sales of the
4 comic book?

5 MR. KRAMER: Object to form and foundation.

6 THE WITNESS: It wasn't our policy. I can't
7 think of any case where that happened.

8 Q BY MR. FLEISCHER: Okay.

9 Now after the colorist did the work that
10 you've described with the silver prints, et cetera,
11 the book would go to a printer; is that correct?

12 A Well, it would actually go to the engraver
13 and then to the printer. There was even somebody in
14 between, I don't remember the name, it was
15 complicated in those days. But essentially, yeah.

16 Q And can you give me a range --

17 A I think it was called a mat maker. It also
18 went to a mat maker. Sorry.

19 Q How long after a story was penciled,
20 lettered and inked would it typically take before it
21 hit the newsstands?

22 MR. KRAMER: Objection; form and foundation.

23 THE WITNESS: I'm not sure. I'd say probably a
24 couple of months. It could vary.

25 Q BY MR. FLEISCHER: I think you mentioned

1 is paying the printer who is not printing the book.
2 So my biggest responsibility next to making the
3 books good was making sure those books were
4 delivered to the printer on time every month.

5 Q And just so the record is clear, who paid
6 the printer?

7 A The publisher.

8 Q Can you recall any instance during your
9 tenure as editor from the beginning of your
10 employment by Marvel in 1939 or 1940 through 1972
11 where a writer or artist brought a work to you and
12 asked you if you wanted to publish it?

13 MR. KRAMER: Objection; form and foundation.

14 THE WITNESS: I don't recall any, no.

15 Q BY MR. FLEISCHER: Do you recall any comic
16 book that Marvel published prior to 1972 and
17 including 1972 that was created other than pursuant
18 to a specific assignment by an editor to a writer
19 and an artist?

20 MR. KRAMER: Objection to form and foundation.

21 THE WITNESS: Not in our regular comics, no.

22 Q BY MR. FLEISCHER: When you say not in our
23 regular comics, what do you mean?

24 A I mean he had other books that, you know,
25 that were different, men's magazines and other

1 things, but with the comics, no, I don't recall any.

2 Q Would you describe what the role of the art
3 director and the editor was, what the function of
4 editing and art directing a comic book is.

5 MR. KRAMER: Objection; form and foundation.

6 THE WITNESS: Well, essentially what the title
7 says. The art director, which was usually me until
8 I stopped being active, looked over the artwork and
9 said, "Gee, I think that ought to be a closeup
10 instead of a long shot or it is a little hard to
11 understand what he is doing, can you clarify that
12 panel." You know, you would discuss the artwork
13 with the artist. The editor did the same thing. He
14 said, "I think that dialogue, it doesn't sound like
15 this guy would really talk, he is out of character,"
16 or "This is too difficult for a younger reader to
17 understand" or "You are putting in too much
18 dialogue, I can't see the illustration clearly
19 enough." I mean, anything that had to do with the
20 dialogue or the artwork, that's what they worked on.

21 Q BY MR. FLEISCHER: Were there any artists
22 or writers who were not subject to the review by an
23 editor and/or an art director?

24 A No.

25 MR. KRAMER: Objection; form and foundation.

1 THE WITNESS: No, absolutely not.

2 Q BY MR. FLEISCHER: Did the editor have the
3 authority to make changes in dialogue or captions
4 that had been written by a writer?

5 A That was his job.

6 Q And did the art director have the authority
7 to make changes in artwork or modify artwork?

8 A Yes.

9 Q And did the editor have the authority to
10 remove a writer or an artist from a particular book
11 and assign another writer or artist to that book?

12 MR. KRAMER: Objection; form and foundation.

13 THE WITNESS: Yes.

14 Q BY MR. FLEISCHER: Now in your capacity as
15 a writer you were paid separately from your salary
16 as an editor; is that correct?

17 A Right.

18 Q And as a writer how were you paid?

19 A Per page on a freelance basis like all the
20 other writers.

21 Q Okay. And when you received your payments
22 for your freelance work, was that by check?

23 A Yes.

24 Q And during the period of, say, 1971-1972,
25 do you recall whether there was any kind of legend

1 on the reverse side of the checks?

2 MR. KRAMER: Objection; form and foundation.

3 THE WITNESS: That legend was on the checks for
4 a long time, I can't tell you exactly what dates,
5 but I remember those legends, yeah.

6 Q BY MR. FLEISCHER: And I'm not going to ask
7 you to recite verbatim what the legend was but do
8 you recall what the gist of the legend was?

9 A Yeah. That you were -- you were drawing --
10 I guess it was that work for hire thing. You were
11 just somebody who is doing something that the
12 company owned and you didn't own it. That was the
13 intent of it.

14 Q Did artists or writers have the ability to
15 assign themselves comic book stories at Marvel?

16 A To assign themselves? What do you mean by
17 that?

18 Q Could an artist or a writer decide to write
19 a comic book or draw a story without first receiving
20 an assignment from an editor?

21 MR. KRAMER: Form and foundation.

22 THE WITNESS: Not for us. I mean, they can do
23 whatever they wanted but everything that we
24 published was an assignment we gave them.

25 Q BY MR. FLEISCHER: Do you have any

1 Q And you have received at least that million
2 dollars a year for at least the last five years?

3 A Oh, more than that.

4 MR. KRAMER: That's all I have.

5 MR. FLEISCHER: No further questions.

6 MR. KRAMER: Thank you.

7 THE WITNESS: Now your turn.

8 MR. FLEISCHER: I'm done.

9 THE WITNESS: Now I guess you want to.

10 MR. BONDER: If you want.

11 THE VIDEOGRAPHER: This marks the end of the
12 deposition. Off video at 10:03 a.m.

13 ///

14 ///

15 ///

16 _____
STAN LEE

17
18 Subscribed and sworn to

19 Before me this day

20 of 20 .

21 _____
22
23
24
25

1 State of California)
2) ss.
3 County of Los Angeles)

4 I, SUSAN A. SULLIVAN, CALIFORNIA CSR No.
5 3522, RPR, CRR, do hereby certify:

6 That prior to being examined STAN LEE, the
7 witness named in the foregoing deposition, was,
8 before the commencement of the deposition, duly
9 administered an oath in accordance with C.C.P.
10 Section 2094;

11 That the said deposition was taken before
12 me at the time and place therein set forth, and was
13 taken down by me in shorthand and thereafter
14 transcribed into typewriting under my direction and
15 supervision; that the said deposition is a true and
16 correct record of the testimony given by the
17 witness;

18 I further certify that I am neither counsel
19 for, nor in any way related to any party to said
20 action, nor in any way interested in the outcome
21 thereof.

22 IN WITNESS WHEREOF, I have subscribed my
23 name on this 16th day of May, 2011.

24 
25 Sue SULLIVAN, CSR

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